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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 RUDY RIVERA,

11 Plaintiff(s),

12 v.

13 DANIEL BOGDEN, et al.,

14 Defendant(s).
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Case No. 2:17-cv-02776-JCM-NJK

ORDER

16 To date, the parties have not filed a stipulated discovery plan as required by Local Rule 26-1(a).
17 See Docket No. 18. Plaintiff and the appearing Defendant instead filed a status report seeking an order
18 relieving them of the obligation to submit a discovery plan. Docket No. 20.

19 That request is premised on two reasons. First, that the appearing Defendant has filed a
20 dispositive motion. *Id.* at 2. The filing of a dispositive motion, standing alone, is not good cause to
21 delay discovery. See, e.g., *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) (“The
22 Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a
23 potentially dispositive motion is pending”). To the extent the parties wish to stay discovery on this
24 basis, they must file a proper request addressing the pertinent standards. See, e.g., *Kor Media Grp., LLC*
25 *v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

26 Second, some Defendants have not yet appeared and their later appearance could necessitate
27 extensions. Docket No. 20 at 2. The standard practice is for a discovery plan to be entered upon the first
28 defendant’s appearance. See, e.g., Local Rule 26-1(a) (the holding of the Rule 26(f) conference and

1 filing of a discovery plan are triggered by the first defendant's filing of an answer or other appearance).
2 The resulting scheduling order applies to later appearing parties absent a showing of good cause that
3 extensions or other modifications are appropriate given the circumstances. Insufficient reason has been
4 provided to depart from that standard practice in this case.

5 Accordingly, the parties have provided insufficient reason to delay filing a discovery plan. No
6 later than April 10, 2018, the parties shall file either a proposed discovery plan or a request to stay
7 discovery pending resolution of the motion to dismiss.

8 IT IS SO ORDERED.

9 DATED: April 3, 2018

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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